

Summaries – These should be read in conjunction with the main policy document

Application

The document applies to all MPS staff and takes effect from the date of publication of this notice.

Purpose

The document is intended to help improve the trust and confidence of Gypsies and Travellers in the MPS and the way in which it responds to issues that involve and concern them.

Scope

This document provides a core of policy that must be adhered to. Local policies made in conjunction with local partners are encouraged as a response to local needs and conditions. A partnership approach is vital in meeting local needs, however they must have the MPS policy as laid out in this document at their core.

Summary of policy statement

The MPS acknowledges the status and unique lifestyle of Romany Gypsies and Irish Travellers as distinct ethnic groups.

- It affirms that like the settled community Gypsies and Travellers are entitled to a life free from the fear of crime, harassment and the intimidation. The MPS will:
- Consult Gypsies and Travellers as well as affected members of the settled community when making decisions that impact on their lives.
- Proactively investigate allegations of crime, harassment and intimidation directed against them.
- Be open and transparent in all dealings with Gypsies and Travellers.

Unauthorised encampment - Summary of decision making process

The overall stance of the MPS is that in considering any unauthorised encampment a balance must be maintained between the rights of those encamped and the rights of landowners and settled society. Each encampment will be considered on its individual merits while police officers must be seen to act in a neutral, objective and open way. Officers should not proactively seek out encampments but wait until the MPS is contacted by a landowner.

On notification of an unauthorised encampment:

1. A CAD message is created.
2. Duty officer is informed and a supervisor attends the scene of the encampment. The supervisor commences the IML and carries out an initial assessment of the encampment.
3. The BOCU GTLO is informed immediately or if not available when next on duty.
4. GTLO attends encampment and carries out welfare assessment.

5. Consultative group chaired by a Chief Inspector is drawn together, except in exceptional circumstances as detailed in the main policy document.
6. A decision is made as to whether police powers are suitable for use and if so which powers (for example S.61 or S.62A CJPOA). This decision is communicated to the encampment. Where the decision is **not** to use police powers consideration should be given to the use of leniency agreements.
7. Where the decision is to use police powers to evict the form 3190 will be served by an Inspector as soon as possible giving a reasonable time to quit the land in the prevailing circumstances. Removal operations should then be planned and conducted having due regard to human rights and health and safety considerations.
8. The decision making process should be signed off the Chief Inspector chairing the group or authorising proceeding without consultation.
9. The IML should be signed off by the Superintendent Ops at the conclusion of the encampment.
10. A copy of the log should be forwarded to DCC4 together with any leniency agreement for good practice to be identified and circulated.
11. The encampment is included on the template for unauthorised encampment and community intelligence submitted monthly to DCC4

Summary of SOP on Appointment and responsibilities of The Gypsy Traveller Liaison Officer

1. All BCU's must have a GTLO.
2. The post should ideally be set at Sergeant or Constable level.
3. The post may be part or full time or shared between a number of BCU's
4. If the post is part time the duties of GTLO should be a significant part of the duties of the post holder.
5. Some training for post holders will be provided centrally.
6. The post is envisaged as a highly visible community reassurance/intelligence gathering role, more detail is contained in the main policy document at SOP 4.

Summary of SOP on flagging , tagging and counting matters impacting on Gypsies and Travellers

1. All CAD incidents of unauthorised encampment will carry the tag **Travel (where ** is replaced by the relevant BCU code).
2. All CRIMINT entries concerning Gypsies and Travellers will carry the code QQTRAVELLER
3. All allegations of crime where the ethnicity of the victim is a motivational factor should carry the CRIS flag GT in addition to the RI flag.
4. Dip sampling of GT flagged reports on a monthly basis by CSU supervisors is required to ensure correct use of the flag.

Gypsy and Traveller Matters ~ The Metropolitan Police Service Policy on Engagement with Travelling People.

Introduction

This policy replaces previous documents that referred directly to Gypsies and Travellers. It cancels or incorporates the following MPS notices:

Special Notice 11/01

Notice 39/01

Notice 08/03

Notice 11/03

Notice 11/04

It acknowledges the minority ethnic status of Romany Gypsies and Irish Travellers, commits the MPs to a policy of engagement and consultation with all concerned parties.

Application

All police officers and police staff, including the extended police family and those working voluntarily or under contract to the MPA must be aware of, and are required to comply with, all relevant MPS policies and associated procedures. This policy however applies in particular to officers and staff in the following roles all of whom have responsibilities for specific actions detailed within the SOPs:

- Control room staff and supervisors.
- Front line and CSU supervisors/officers.
- Duty officers.
- Gypsy Traveller Liaison Officers.
- Borough Commanders.
- Chief Inspectors (who will chair decision making groups).

NB. This list is not intended to be exhaustive

The policy will take effect from the date of publication of this document

Purpose

This policy is intended to improve the levels of trust and confidence felt by Gypsies and Travellers in the willingness and ability of the MPS to:

- Respond fairly and openly to incidents of unauthorised encampment
- Effectively identify, record and investigate hate crime directed against Gypsies and Travellers
- Engage with Gypsies and Travellers and their representative groups in order to ensure they are heard when decisions about the way London is policed are made.
- Effectively respond to the issues raised by Gypsies and Travellers or their representative groups.

In doing so the MPS acknowledges and seek to positively respond to its responsibilities under the Race Relations Act as amended, Human Rights Act and other associated legislation.

Scope

This document provides an overarching policy that must be adhered to by BCUs when dealing with Gypsies and Travellers. It does not seek to limit the ways in which BCUs interact locally with Gypsies and Travellers, their wider communities or develop local policies. Such local agreements are encouraged as good practice provided the policies and SOP's contained in this document are included unaltered in any agreement or local protocols made.

Policy Statement

The Metropolitan Police Service acknowledges the status and rights of Romany Gypsies and Irish Travellers as distinct ethnic groups, their unique and legitimate lifestyle together with our duty under the Race Relations Act 1976 as amended (RRAA) to positively promote good community race relations.

The terms Gypsy or Traveller should be understood to mean these groups although this document may be applied to any group of people who have a travelling lifestyle.

It affirms that like the settled community Romany Gypsies, Irish Travellers and other Travellers are entitled to a life free from the fear of crime, harassment and intimidation. Accordingly the MPS will:

- Consult Gypsies and Travellers and/or the groups who represent their interests as well as affected members of the settled community and/or their representatives when making decisions that impact on them and their way of life. The MPS will actively consider and respond to the issues raised.
- Proactively respond to allegations of harassment, intimidation and hate crime directed against Gypsies and Travellers.
- Be demonstrably fair, open, transparent and accountable in all dealings with Gypsies and Travellers.

Benefits

This policy will benefit the MPS in a number of ways:

- It will begin the process of improving the trust and confidence of Gypsies and Travellers in the MPS addresses their issues by involving them in the decision making processes.
- It will potentially reduce the costs incurred by the MPS in policing unauthorised encampments.
- It introduces a consistency of policy into Gypsy and Traveller issues.
- It will improve the ability of the MPS to assess and respond to Gypsy and Traveller issues and those of the settled community.

Responsibilities

This policy is owned by the Diversity Strategic Committee.

The Strategic Relationships Team of the Diversity Directorate, DCC4(4), has responsibility for the development, implementation and review of this policy.

For enquiries please contact Sergeant Nicholas Williams, DCC4(4), Room 910 at NSY.

Associated documents and Policies

The following SOP's are associated with this policy:

Unauthorised encampments – Decision making process.

Removal process

Leniency agreements

Gypsy and Traveller Liaison Officers – Roles and responsibilities

Hate Crime – flagging of crimes against Gypsies and Travellers

SOP 1 ~ Unauthorised encampment – decision making process

Introduction

This SOP forms part of the MPS policy on Gypsy and Traveller matters. It acknowledges the status and rights of Gypsies and Irish Travellers as distinct ethnic groups and our duty under the RRAA to positively promote good race relations. It replaces the MPS policy contained in Special notice 11/01.

The issue of unauthorised encampment is fraught with human rights considerations and is without doubt highly emotive, impacting directly on the day-to-day lives of all concerned parties. It is also an area where case law changes regularly. The MPS response must therefore be demonstrably unbiased. It cannot be too strongly emphasised that a balance must be maintained in the police response to unauthorised encampment between respect for the lifestyle choices and rights of those outside settled society and the rights of landowners and the settled community.

The MPS stance on cases of unauthorised encampment is that each encampment will be individually considered on its merits, before any decision as to police response is made. While guidance for certain limited circumstances may be given blanket or prejudged decisions will not be made. It is vitally important that police officers are seen to act in a neutral, objective and open way.

Application

This SOP provides guidance to police officers and police staff of all ranks who may be called upon to Act on connection with unauthorised encampment. It provides specific guidance for:

- The first officer to attend an unauthorised encampment.
- Gypsy Traveller Liaison Officers who are required to conduct welfare assessments and make decisions as to whether or not the use of police powers to remove is appropriate.
- Chief Inspectors who are required to make the decision as to use of police powers to remove.
- Officers engaged in developing local unauthorised encampment protocols.
- Duty officers who are responsible for supervision of the initial police response.

SOP Details

Police are frequently placed in a difficult position when faced with the question of how to respond to an unauthorised encampment. The expectation of some people and organisations is that police, irrespective of circumstances, will speedily remove the trespassers. Other groups will argue that until wider considerations about site provision are addressed unauthorised encampments are not a matter for police. Balancing the needs and legitimate expectations of all the groups concerned is the challenge that faces police officers at the scene of an unauthorised encampment.

There are several legislative provisions that impact on unauthorised encampment. Police officers are however most directly affected by sections 61 and 62A of the

Criminal Justice and Public Order Act 1994. (CJPOA). For ease of reference these provisions are reproduced in full at Appendix 4 & 5 to this document.

The use of the powers conveyed by these sections is entirely discretionary, that is there is no obligation on police to use them. Whether or not they are used will be governed entirely by individual circumstances.

The decision making process in respect of unauthorised encampment is divided into three phases, these together with the action that should be taken are detailed below. Movement through the various phases should not be delayed, as it is important for all parties concerned that a decision as to the use of police powers is reached as soon as possible. It is emphasised however that this process only commences when a landowner has made contact with and requested the assistance of police. Police should not proactively seek out encampments or the views of landowners.

Phase One.

This phase deals with the initial action to be taken when notification of an unauthorised encampment and a request for police action is received. It is important to realise, and to communicate to all parties concerned in the decision making process that the first phase does not make the use of police powers to remove inevitable.

When notification of an unauthorised encampment and a request for police action is received the following procedure will be adopted.

1. A CAD message will be created, which will remain open until the phase two procedure is commenced when it will be closed and the name of the officer chairing the decision making group recorded on the message. Where the informant is the landowner or person acting on behalf of the landowner it is important to establish whether the following requirements are met. The answers given will be recorded on the CAD message. The message will be tagged with the **Travel (where ** is replaced by the relevant borough code).
 - i). The numbers persons present and whether or not they ostensibly have the purpose of residing on the land.
 - ii). The trespass is taking place on land to which the legislation applies.
 - iii). That reasonable steps have been taken by or on behalf of the occupier to require them to leave (although it should be noted that this is not a legal requirement for the use of S.62A). This should consist of the landowner setting a reasonable deadline by which the trespassers should leave the site. This deadline cannot be set by police and must be set by the landowner or a person acting on his behalf, but see 5 below.

AND

- iv). That any of those persons have caused damage to the land or to property on the land or threatening, abusive or insulting words or behaviour towards the occupier a member of his family or an employee or agent of his.

OR

v). That the persons have between them six or more vehicles on the land.

Where the number of vehicles is less than six there is potential that other police powers to remove may be available for use. To this end where the number of vehicles is less than 6 the control room will ascertain:

- i). That there are two or more people trespassing on the land.
- ii). That they have with them one or more vehicles on the land
- iii). That the landowner has requested police to remove them from the land
2. The duty officer will be informed and the information above passed on.
3. The borough Gypsy Traveller Liaison Officer will also be informed of the encampment when next on duty.
4. A supervising officer will attend the scene of the encampment and make contact with the trespassers and whenever possible the landowner who has requested police attendance. This officer will commence an incident management log (IML). It is important this contact is made as soon as possible and not left until the GTLO is on duty or available.

The supervisor should make clear to all concerned that police attendance in this first instance is simply to carry out an initial assessment of the circumstances of the encampment. It does not mean that any decision has been taken as to **police** action nor should it be intimated that this is the case. The officer should also explain the process that will take place and supply the trespassers with the notice at appendix 1. As levels of literacy amongst Gypsies and Travellers can be poor the contents of the notice and its meaning should be thoroughly explained and understanding ensured.

This initial contact should establish the number of trespassers, the reason for the choice of the site, the amount of time they intend to stay, whether they believe have the permission of the landowner to be there or any special circumstances they may wish to bring to immediate attention. Notes should also be made of the condition of the site so that a baseline that may assist in determining whether fly tipping has taken place may be established. A sketch map has been found to be of assistance in doing this.

Where the landowner is present and requires the trespassers to leave, this may be done in the presence of police, but police will not do this on behalf of a landowner. Such a requirement must allow the trespassers a reasonable time to leave. A statement covering the requirement and any conditions together with the response of the trespassers should be taken as a matter of good practice.

This information will be recorded in the incident management log and brought to the attention of the GTLO.

5. The GTLO will attend **all** unauthorised encampments within 24 hours of the initial contact or when next on duty and conduct a welfare assessment. Insofar as is possible this should include everyone on the site that is available and willing to co-operate.

It is vitally important that trespassers understand that while there is no statutory obligation to provide information for an assessment it is in their interest to co-operate, as it will form the basis of subsequent decisions about the encampment. Non co-operation often arises from a mistrust of the motives of those involved, itself based on previous negative encounters. Gypsies and Travellers should therefore be encouraged to seek the assistance of Traveller representative groups at an early stage. It must also be made clear however that non co-operation will not prevent the decision making process from taking place.

It is important to understand that while there is no objection to assistance being sought in compiling the report from local authority agencies such as the Traveller Education Service, except where the local authority is the landowner, the report is separate from and independent of any assessment that may subsequently be carried out by a local authority. While the following list is not exhaustive any report should include the following factors:

1. The availability of site accommodation elsewhere on the borough, or the feeling of the trespassers towards being placed in housing.
2. The number and sex of trespassers.
3. Age range of trespassers.
4. Any illness, infirmity, disability or medical condition amongst the trespassers that might affect their ability to travel.
5. Need to access local hospitals/doctors by trespassers
6. Condition of the land (drainage, proximity to houses, roads etc.)
7. Access to water.
8. Arrangements to dispose of refuse.
9. Sanitary arrangements.
10. Access/attendance of children at local schools.
11. Views of local residents/neighbours etc.
12. The views of the landowner.
13. The views of the trespassers.
14. The views of local residents or those who may be affected by the encampment.
15. Any apparent increase/decrease in local crime and hate crime levels directly attributable to the encampment or where the trespassers are victims of crime.
16. Any directly attributable evidence of 'fly tipping'.
17. Whether or not any contact has been made with support services such as TES or Social Services and any action they may have taken.
18. The willingness or otherwise of the trespassers to engage in the leniency agreement process.

This report should form the basis of any decision as to whether police powers to remove should be used. The GTLO should also make clear to those present that contact will be made with the local authority. Local Gypsy Traveller representative groups to advise them of the presence of the encampment.

A copy of the report will be placed in the incident management log and reference will be made to it during the decision making process in phase two.

Phase Two

This phase deals with the question of whether or not police powers to remove should be used. It presupposes that the criteria detailed in either S.61 or S.62A of the CJPOA

for the use of such powers has been fulfilled. Police are not however obliged to use either power.

It is important to remember that the decision this group will take concerns not only the occupation of a piece of land but also the homes and lives of a group of people and the people who live around them. It can also affect their access to health care, education and other services the settled community often take for granted. It is therefore essential that the decision made should be seen to be demonstrably fair and to have taken into account all of the factors that may impact on the encampment and the settled population that live and work around it.

In cases of simple trespass where there are no aggravating factors such as crime or disorder the use of police powers should not be seen as a first resort or even necessary in the long term. Landowners should be reminded that whenever possible they ought to attempt to resolve matters of simple trespass themselves by making application for an order for repossession of the land from a Court. Similarly local authorities have adequate powers to resolve trespass on both private and public land that should be explored before resorting to the use of police powers. While police will support landowners in exercising their lawful rights in cases of simple trespass by standing by to prevent a breach of the peace they should not usurp the functions of the civil courts in resolving disputes over land ownership.

However in the absence of adequate site provision a pragmatic approach perhaps leading to a leniency agreement (see below and the SOP on leniency agreements) should be taken. There are however certain circumstances where there should be a presumption that unauthorised encampments are not normally acceptable. It is impossible to be definitive or exhaustive about such circumstances but they would generally include:

- School car parks or playing fields particularly during term time
- Car parks particularly hospital, supermarket or leisure facilities
- Urban parks
- Recreation grounds and public playing fields
- Areas where toxic waste or other serious ground pollution is present.

Further guidance can be found in the ODPM and Home Office guidance on managing unauthorised encampment.

Similarly where the condition regarding threatening behaviour or damage to property is met, and it should be noted that it needs to be met to a standard that would support arrest should it be appropriate, unless there are extenuating circumstances, there will be a presumption in favour of using S.61 or S.62A powers.

The following process should be used when coming to a decision about the appropriateness of using police powers:

A consultative group will be drawn together, chaired by an officer not below the rank of Chief Inspector. Consideration should be given to it meeting away from police premises although it is acknowledged this may not always be possible.

It is also acknowledged that circumstances may arise where it is vital that a decision as to the use of police powers needs to be made as a matter of urgency and that the may not be possible to draw together the consultative group in the time available. Similarly time of day or day of the week may make drawing the group together

impossible. It is however envisaged that these circumstances will be wholly exceptional. In these cases it is permissible for police to make the decision as to the use or non-use of police powers in isolation.

Efforts should still be made to consult with partners if this is at all possible and the decision to proceed in isolation must be agreed by an officer not below the rank of Chief Inspector.

This exceptional process does not negate the need for a welfare assessment or the completion of a decision log. This log should be signed off by Chief Inspector who agreed the process at the earliest opportunity.

The remainder of the process to be followed remains as detailed in this document.

It is suggested that as a minimum the following people should attend the consultative group, the list should not however be seen as exhaustive or prescriptive:

The BOCU GTLO.

The landowner or a representative.

The local authority GTLO.

Representatives of the trespassers or those who speak for them.

Local Gypsy Traveller representative groups.

Members of MPS GTAG and/or the MPS GTLO are also available to attend or advise.

Clearly it may not be possible to assemble representatives of all these groups together at short notice but efforts must be made to be as representative as possible.

The group will consider the circumstances of the encampment together with the welfare assessment, representations and comment from local communities and community groups and any other relevant factors and advise the Chief Inspector, who will make the decision as to whether and which police powers to remove will be used.

The underpinning principle of Section 62A CJPOA 1994 is that in order to use these provisions a suitable pitch must be available on a relevant site for that caravan or caravans. Therefore where the use of S.62A powers is being actively considered there are particular factors that have a bearing and that should be considered before any use of S.62A powers over S.61 is recommended. These are:

- A. The Act places a duty on an officer intending to use the provisions of this Act to consult every local authority within whose area the land is situated as to whether there is a suitable pitch for the caravan or each of the caravans on a relevant caravan site which is situated in the local authority's area. The chair of the decision making group must be satisfied that this consultation has been properly carried out and that the group is in possession of verifiable information as to the current state of vacant pitches in the borough. It is suggested that it be part of the role of GTLO to ensure this data is brought to the decision making group.
- B. The question of suitability of a pitch requires a number of questions to be answered satisfactorily.
 - 1). Is the pitch appropriate for the size of caravan?
 - 2). Will family groups will be broken up?
 - 3). Are there tensions between ethnic or family groups that will arise or be exacerbated if a caravan is directed to a particular site?

The question of tensions between ethnic or family groups is difficult to answer and assess without detailed knowledge of the groups concerned and is made more complex by the extended nature of such family groups. The decision making group is strongly advised to contact local Gypsy Traveller representative groups and to speak to the Gypsies or Travellers concerned before coming to any decision.

It is essential that the information gained is interpreted reasonably. It is not the intention of the MPS that the legislation provided by Parliament should not be used but simply that it should be used sensitively and appropriately.

If the answers to these questions reveal the pitch to be unsuitable then there is a presumption that a S.62A direction should not normally be given.

- C. Is the site a 'relevant' one for the purposes of this Act? The definition of relevance is found within the Act. Local knowledge should not be relied upon and the details of the local authority official that stated the site complied with the legislative requirements should be obtained and recorded. If the site is not a relevant site then it is not useable and a direction must not be issued.
- D. Is the site within the local authority's area? The effect of this is that groups or individuals cannot be directed to sites outside the local authority area irrespective of how suitable it may appear. If the site is not within the local authority area then it is not a 'relevant' one and a direction under this legislation must not be issued.

Any decision made must be;

- Proportionate – In that any response is tailored to meet the specific circumstances of each encampment.
- Legal – Insofar as it is lawful, complies with local and MPS policies and procedures, takes into consideration relevant matters. It should not consider or take account of matters that are irrelevant or based on prejudice.
- Accountable - In that it takes into account the rights and needs of all affected parties.
- Necessary – In the sense of being required and not perverse or irrational.

This decision and a detailed account of the factors considered will be recorded in the incident management log and signed off by the Chief Inspector. The incident management log will remain 'open' until the encampment leaves.

Phase Three

This deals with the process where the decision made is that the use of police powers is not appropriate. It should be understood that because police have decided that the use of police powers is not appropriate at this time the decision will be kept under constant review. Similarly it should be emphasised that while police are not using their powers it does not mean that local authorities will not be using theirs.

The decision should be communicated to the trespassers as soon as the decision has been signed off by the Chief Inspector chairing the group. At the same time any

conditions that the trespassers will be asked to comply with (see SOP 3 ~ leniency agreements) will be notified to them. While there is no statutory obligation to comply with these conditions a failure to agree to them or any subsequent breach of them may provide grounds for a re-consideration as to the use of police powers to remove. In this case the procedure outlined in phase 2 should be followed and recorded in the same way.

Where the use of police powers to remove is deemed appropriate the procedure outlined in SOP 3 on removals should be followed. It is however good practice to ensure that the decision is communicated to the trespassers as soon as possible. It may be considered this is also an appropriate point to formally make the requirement for the trespassers to leave the land and to serve the form 3190 (Appendix 2). If this is thought to be the case then an officer **not below the rank of Inspector** will **personally** make the requirement to leave to all those trespassers to whom it applies. Making this requirement does not mean that removal process must commence immediately but there is a presumption that it will follow as soon as the requirements of the SOP on removals have been complied with.

Closure

At the close of the incident the incident log will be signed off by the Superintendent Operations or designated deputy.

For quality control purposes and so that good practice can be identified and shared a copy of the signed off log will be forwarded within 7 days to the MPS GTLO, Room 910, New Scotland Yard. This does not remove the requirement to submit the borough unauthorised encampment return (appendix 3) to DCC4(4) within 7 days of the end of each calendar month

Responsibilities

- Control room – create and maintain open CAD message. It should be tagged with the tag **Travel (where ** is replaced by the relevant borough code).
- Initial supervisor – assess initial circumstances of encampment, commence incident management log.
- Duty officer – responsibility for management of initial encampment and ensuring MPS and local directions are complied with.
- GTLO – welfare assessment, contacting landowner, local authority and local Gypsy/Traveller representative groups. Acts as a focal point for all agencies involved in interaction with the encampment. Acts as contact point for Gypsies and Travellers involved in the encampment. Communicates decision of consultative group to people on unauthorised encampment. Serves leniency agreement notice. Completes and submit unauthorised encampment return.
- Nominated Chief Inspector - Chairs consultative group, makes final decision as to use of police powers to remove.
- Chief Inspectors – May have responsibility for authorising use or non-use of police powers without wider consultation.
- Superintendent Operations – Has responsibility for signing off log at end of incident.

General advice

It is acknowledged that local agreements that ensure a consistent and multi agency approach to unauthorised encampment are good practice and should be actively developed by all BOCU's.

Local agreements must conform the overarching policy set out in this documents.

Membership of consultative groups should involve as wide a range of groups as possible and not be limited to statutory organisations.

SOP 2 ~ Leniency Agreements

Introduction

This SOP will come into effect when either:

- A decision has been made not to evict the encampment.
- A decision has been made not to use police powers to evict, but landowners or local authorities may be considering using alternative powers.
- A decision has been made to use police powers but there is a delay between the decision being made and eviction.

Leniency agreements are essentially a question of partnership working, between police, trespassers, local authorities, in some cases landowners and the settled community. Accordingly this SOP should be read in conjunction with the general advice section of the SOP on the decision making process (above).

It must be emphasised that leniency agreements are not a way of ‘short circuiting’ the planning process or a form of licensing of unauthorised encampments. All a leniency agreement promises is that provided trespassers observe some mutually agreed rules police powers to evict will not be used.

Leniency agreements ensure that:

- The campsite causes the minimum disruption to the communities that surround it, in the time it is present.
- That unauthorised encampments are properly and effectively managed.
- That rubbish and other waste is kept to minimum and disposed of in a safe and appropriate way.
- That both the trespassers and the settled community feel safe and are aware of each other’s commitments and responsibilities.

To this end BOCU’s will have to develop an agreed leniency protocol with local partners. It is essential that Gypsy/Traveller representative groups should be involved in such negotiations. In the event that such groups are not available or that a pan London perspective is required the MPS GTAG is available to assist. This can be contacted during office hours through the MPS GTLO at DCC4(4) or in emergencies through the DCC4 duty officer.

Application

This SOP provides guidance on the issues that leniency agreements should cover and who should be involved in the process to draw them up. This may be the same group as BOCU’s would draw together as a decision making group for the use of police powers to remove or another group that considers wider Gypsy Traveller issues.

An integral part of any such agreement is consensus on who should lead on any issues surrounding the encampment and be responsible for the monitoring of it. This is a matter for BOCU’s to negotiate with their local partners and may form part of a wider agreement on partnership working in respect of unauthorised encampments and Gypsy Traveller issues. An agreement of this kind does not however negate the necessity for BOCU’s to convene the decision-making group referred to in the SOP

needs. However the same conditions as are set out in the initial notice to trespassers (appendix 1) may provide a baseline format.

As levels of literacy amongst Gypsies and Travellers are generally poor a verbal explanation should also be given. A contact number for a named individual who is able to answer questions about the agreement should also be supplied. It is suggested that this is the same person who is responsible for monitoring compliance with the agreement.

It should be made clear that there is no statutory obligation to comply with a leniency agreement nor does such an agreement mean that a landowner or local authority will not continue court action to remove trespassers. A refusal to engage with the process may however trigger a reconsideration of the use of police powers to remove.

Copies of all leniency agreements developed must be forwarded to The MPS GTLO, DCC4(4), Room 910, New Scotland Yard so that good practice can be identified and circulated.

on unauthorised encampment, nor sanction any local departure from MPS core policy in respect of unauthorised encampments.

SOP Details

BOCU's should develop a standard leniency agreement with their local partners. This will ensure that trespassers are treated consistently on each Borough and across the MPS. It is vitally important that Gypsies and Travellers and/or their representative groups as well as members of the local community and local authorities are involved in any group formed to develop these agreements. BOCU's should ensure that any agreement addresses the following issues, although the list is not exhaustive:

- Provision of services/amenities to collect rubbish, whether on payment or otherwise.
- Provision of services to dispose of human waste.
- Access to water.
- Responsibility for monitoring the site and dealing with any issues that the trespassers or settled community may have.
- A timetable for visiting the sites and monitoring compliance with the leniency agreement. It is however important that these visits should not be so frequent so as to suggest harassment
- A communications strategy
- A media strategy
- A crime prevention strategy where the trespassers are either victims or the suspects.
- Circumstances that will give rise to a reconsideration of police powers to evict, such as direct evidence of anti social-behaviour or direct evidence of the involvement of individuals in crime.

Whilst generally speaking a standard format for leniency agreements within a borough is acceptable a blanket time period for those agreements is not. Each individual case and the circumstances that have given rise to it should be considered on its merits. For example a leniency period of 48 hours may be entirely adequate for a group attending a funeral but would be inadequate for a family with a member who is seriously ill or about to give birth.

It should also be noted that the behaviour of one family or individual might not reflect the behaviour of a whole encampment. If the behaviour of one individual or individuals gives rise to a reconsideration of the use of police powers, then it is important that only those responsible for the behaviour are considered for immediate eviction. Blanket decisions that affect all on an encampment but based on the behaviour of specific individuals should not be made.

Once a leniency period and its conditions have been agreed the details should be communicated to the trespassers, whether or not they have representatives at the meeting that set those conditions. The details should be recorded in the incident management log together with the names of those present when they were set. A written record of the conditions should ideally be given to everyone on the encampment to whom they apply. Where this proves impossible they should be given to those who are willing to take responsibility for each caravan present. It is impossible to be prescriptive as to the form this record should take as each unauthorised encampment and its occupiers has its own individual circumstances and